

## **REMARKS**

The application includes claims 1-3, 8-10, 12-13, and 19-22 prior to entering this amendment.

The examiner rejects claim 1 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

The examiner rejects claim 21 under 35 U.S.C. § 102(e) as being anticipated by Wookey (U.S. Patent 6,085,244).

The examiner rejects claims 1-3, 8-10, 12-13, 19-20, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Wookey, in view of Krishnamurthy et al (U.S. Patent 6,389,464).

The applicant amends claims 1, 12, and 21, cancels claims 10 and 22, and adds new claim 29.

The application remains with claims 1-3, 8-10, 13, 19-21, and 29 after entering this amendment.

The applicant adds no new matter and requests reconsideration.

## **Examiner Interview**

The undersigned and Ayan Paul, a Patent Engineer, had a telephonic interview with examiner Won on 5/3/07 to discuss Wookey. The examiner agreed that amending the independent claims to include limitations from claims 10 and 22, as proposed in this response, would overcome Wookey. The examiner also suggested possible amendments to claim 1 to overcome the § 112 rejection of claim 1.

## **Claim Rejections Under § 112**

The examiner rejects claim 1 for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. The applicant amends claim 1, as suggested by the examiner during an examiner interview, to obviate the rejection.

### Claim Rejections Under § 103

The examiner rejects claims 1-3, 8-10, 12-13, 19-20, and 22 as being obvious over by Wookey in view of Krishnamurthy. The applicant traverses the rejection for the following reasons.

Claim 1 recites *where the at least one access server is configured to send, in response to the detection of the problem, a first message to the technical center*. Independent claims 12 and 21 include similar limitations. Wookey fails to disclose this limitation. Wookey discloses a remote monitoring system that “automatically communicates system diagnostic information from a monitored computer system to a remote service center at regular intervals.”<sup>1</sup> Wookey’s “service center software accesses the monitored system to collect the diagnostic information at scheduled intervals. The access is initiated according to a scheduler maintained in the service center. Alternatively, access could be initiated by the monitored system.”<sup>2</sup> Wookey also discloses that “scheduling communication of the diagnostic information at regular intervals, may reduce or eliminate intervention required by a customer at the monitored computer system or the support engineer at the service center to communicate the diagnostic information.”<sup>3</sup> In contrast, the present invention does *not* periodically transmit information at regular intervals; instead it sends diagnostic information to the technical center *in response to the detection of the problem*. Wookey fails to disclose sending diagnostic information to the service center computer system in response to *the detection of the problem*, as would be required by claims 1, 21, and 21. The present invention, therefore, improves on Wookey by devising a system that transmits diagnostic information only in response to a detection of a problem, and requires substantially less overhead, operating in a substantially more efficient manner.

Additionally, claim 1 has been amended to include limitations from now canceled claim 1. Independent claims 12 and 21 have similarly been amended to include limitations from now canceled claim 22. Claim 1 now recites *where the at least one access server is configured to respond to a second message generated by the technical support center requesting further information regarding the problem*. For example, as stated in the specification, the technical support staff 23 of figure 1 may send an email message 21 (the recited second message) back to

<sup>1</sup> Wookey, abstract, underline added.

<sup>2</sup> Wookey, column 4, lines 45-49, underline added.

<sup>3</sup> Wookey, column 5, lines 1-5, underline added.

the network device 14 (the recited access server) requesting more information about the problem, to which the network device 14 may respond.<sup>4</sup> Wookey discloses the following:

“The collected data is post-processed at the service center, looking for serious problems that have occurred or attempting to recognize any future problems that may occur. This information is then placed into a database in the form of alerts which may be used to trigger other operations (such as email to the service center). Service center engineers will be able to search on the data, getting up-to-date information about the state of the machines in the monitored network, including such information as patch versions applied and disk space constraints.”<sup>5</sup>

Thus, Wookey’s service center places collected data in a database, “which may be used to trigger other operations (such as email to the service center).”<sup>6</sup> Wookey discloses emailing to the service center, which may be akin to the recited *first message to the technical center* of claim 1. Wookey, however, does not disclose the service center sending a message to the monitored system *requesting further information regarding the problem*. That is, Wookey does not disclose *a second message* generated by the service center *for requesting further information regarding the problem*, as would be required by claims 1, 12, and 21.

For at least these reasons, claims 1, 12, and 21 should be allowable, along with associated dependent claims.

### **New Claim**

The applicant adds new claim 29, support for which may be found throughout the specification.

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<sup>4</sup> Specification, page 5, lines 26-30.

<sup>5</sup> Wookey, column 5, lines 6-15, underline added.

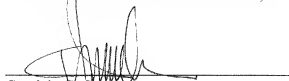
<sup>6</sup> Wookey, column 5, lines 10-11.

### **Conclusion**

The applicant requests reconsideration and allowance of all remaining claims. The applicant encourages the examiner to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

A handwritten signature in dark ink, appearing to read 'Graciela G. Cowger', is written over a horizontal line.

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